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Appln. No.: 10/579,787

Reply to non-final Office Action of September 15, 2008

### REMARKS/ARGUMENTS

These remarks are responsive to the non-final Office Action dated September 15, 2008. Applicants respectfully request entry of this Amendment. Claims 1-7 have been amended, and new claims 16-19 have been added. No new matter has been added. Claims 1-19 are pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. §102(b)***

Claims 1-7, 8-10 and 12-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ulveland (U.S. Pat. No. 6,215,993). This rejection is respectfully traversed.

Amended claim 1 recites:

[a] detector being adapted to detect an angle position related to said first and second housing members and supply an angle position detection signal to said controller, and said controller being adapted to enter a first operating state when said angle position detection signal represents an angle position less than a first threshold angle position, a second operating state when said angle position detection signal represents an angle position greater than a second threshold angle position and less than a third threshold angle position, and a third operating state when said angle position detection signal represents an angle position greater than a fourth threshold angle position, wherein the first threshold angle position is a smaller angle than the second threshold angle position and the third threshold angle position is a smaller angle than the fourth angle threshold position.

The Office Action alleges Ulveland discloses all the features of previous claim 1. Ulveland describes a mobile phone with a movable cover that can be positioned in three positions, a closed position, and open position and a preview position, and a sensor that can detect if the cover is in one of these three positions. Ulveland, col. 3, ll. 38-59. The sensors described in Ulveland are limited to detecting when the cover is in one three positions or if the cover moves beyond the preview position. See Ulveland, col. 3, ll. 54-63. Thus, the sensors described in Ulveland do not teach or suggest detecting an *angle position related to the first and second housing members*, as recited in claim 1. Furthermore, Ulveland does not describe, teach or suggest a *first, second, third, and fourth* threshold angle position, as recited in claim 1.

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As discussed above, Ulveland describes a closed position, an open position, and a preview position. Thus, Ulveland, at most, describes a telephone being in a closed state, an open state, and a preview state. Even if Ulveland describes three operating states, Ulveland does not teach or suggest a controller entering a first operating state when the angle position *is less than a first threshold angle position*, entering a second operating state when the angle position *is greater than a second threshold angle position and less than a third threshold angle position*, and entering a third operating state when the angle position *is greater than a fourth threshold angle position*, as recited in claim 1. Additionally, Ulveland fails to describes, teach or suggest the first threshold angle position being a smaller angle than the second threshold angle position and the third threshold angle position being a smaller angle than the fourth angle threshold position, as recited in claim 1.

Accordingly, amended claim 1 is allowable over Ulveland for at least these reasons. Amended claim 7 includes substantially the same features as those discussed with respect to claim 1. Therefore, claim 7 is allowable over Ulveland for at least substantially the same reasons as claim 1. Claims 2-6, 8-10, and 12-15 ultimately depend from claims 1 or 7 and are allowable over Ulveland for at least the reasons discussed with respect to their base claim and for the additional features recited therein.

***Claim Rejections Under 35 U.S.C. §103(a)***

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ulveland in view of Satoh et al. (U.S. Pat. No. 7,272,423).

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ulveland in view of Park et al. (U.S. Pat. No. 7,200,224).

These rejections are respectfully traversed for at least the following reasons.

Claims 8 and 11 depend from claim 7. As discussed above, Ulveland does not describe all of the features of claim 7. Neither Satoh nor Park cures the deficiencies of Ulveland. Accordingly, claim 7 is patentably distinct over Ulveland in view of Satoh or in view of Park. Thus, claims 8 and 11 are patentably distinct over Ulveland in view of Satoh or in view of Park for at least the reasons discussed with respect to claim 7.

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CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER &amp; WITCOFF, LTD.

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